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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,072	01/14/2000	Peter Anthony Miller		9520

7590 06/25/2002  
Peter Anthony Miller  
See Str 27  
Leonberg, D 71229  
GERMANY

EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 06/25/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**Application No.  
**09/242,072**Applicant(s)  
**Miller**Examiner  
**Ivars Cintins**Art Unit  
**1724**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 7, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**THE PERIOD FOR REPLY [check only a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the attached supplement.

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None

Claim(s) objected to: 8, 9, 14, and 17

Claim(s) rejected: 1-7, 12, 15, and 16

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☐ Other: \_\_\_\_\_

**IVARS CINTINS  
PRIMARY EXAMINER  
ART UNIT 1724**

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SUPPLEMENT TO ADVISORY ACTION

The proposed amendment filed June 7, 2002 has not been entered for at least the following reasons:

In the Specification

(1) Applicant's attempt to add to the disclosure that pressure cylinders 215 provide container sealing in addition to closure (see page 4, line 2 of the "marked-up" copy) does not appear to be supported by the original disclosure, and therefore raises the question of new matter.

(2) Applicant's attempt to change the disclosure that "A sample of filtrate flows through a turbidity meter 410" to "Simultaneously, filtrate flows through a turbidity meter 410" (page 5, line 18 of the "marked-up" copy) does not appear to be supported by the original disclosure, and therefore raises the question of new matter.

(3) Applicant's attempt to change the disclosure that "Cake drying" occurs in step 18 to "Gas continues to flow through the filter cake" (page 6, line 1 of the "marked-up" copy) does not appear to be supported by the original disclosure, and therefore raises the question of new matter.

In the Claims

(1) Applicant's attempt to present currently pending claim 1, in its entirety, as amended claim 3 is improper and confusing.

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If Applicant desires to merely eliminate the limitations of claim 3, then claim 3 should be canceled, and claim 1 left unchanged.

(2) Similarly, Applicant's attempt to present currently pending claim 2 as amended claim 4 is improper and confusing. Furthermore, the bracketed portions of "twice amended" claim 4 do not appear in currently pending claim 4. Currently pending claim 4 recites "Liquid filtering apparatus according to Claim 2 or 3, whereby means are provided in the form of a conically perforated distributor 27 that extends over the entire internal cross-section of the turbid liquid chamber 5." See the amendment filed November 20, 2001. Moreover, as in claim 4, the proposed deletions from claims 6, 9, 14 and 16 do not appear in the currently pending version of these claims (see the amendment filed November 20, 2001 for claims 6 and 9; and original claims 14 and 16). Applicant should note that the proposed amendment filed April 9, 2001 was not entered because it was considered "non-compliant" as explained in the Office letter dated October 2, 2001.

(3) As in "(1)" above, merely rewriting currently pending claims 5 and 7 as 12 and 15, respectively, is improper and confusing.


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Applicant is advised that any future amendments to the specification should only present paragraph(s)/section(s) (marked-up and clean versions) which are being changed, not the entire specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
June 23, 2002